

L. 97-35, title IX, §901, 95 Stat. 552; renumbered §1920, Oct. 19, 1984, Pub. L. 98-509, title I, §106(g), 98 Stat. 2359, authorized criminal penalty for false statements in connection with services furnished relative to alcohol, drug abuse, and mental health services block grant, prior to repeal by Pub. L. 102-321, §201(2).

A prior section 1919 of act July 1, 1944, was classified to section 300x-7 of this title prior to repeal by Pub. L. 102-321.

§ 300x-9. Funding

(a) Authorization of appropriations

For the purpose of carrying out this subpart, and subpart III and section 290aa-4(c) of this title with respect to mental health, there are authorized to be appropriated \$532,571,000 for each of fiscal years 2018 through 2022.

(b) Allocations for technical assistance, data collection, and program evaluation

(1) In general

For the purpose of carrying out section 300x-58(a) of this title with respect to mental health and the purposes specified in paragraphs (2) and (3), the Secretary shall obligate 5 percent of the amounts appropriated under subsection (a) for a fiscal year.

(2) Data collection

The purpose specified in this paragraph is carrying out sections 290aa-4(c) and 300y of this title with respect to mental health.

(3) Program evaluation

The purpose specified in this paragraph is the conduct of evaluations of prevention and treatment programs and services with respect to mental health to determine methods for improving the availability and quality of such programs and services.

(c) Early serious mental illness

(1) In general

Except as provided in paragraph (2), a State shall expend not less than 10 percent of the amount the State receives for carrying out this section for each fiscal year to support evidence-based programs that address the needs of individuals with early serious mental illness, including psychotic disorders, regardless of the age of the individual at onset.

(2) State flexibility

In lieu of expending 10 percent of the amount the State receives under this section for a fiscal year as required under paragraph (1), a State may elect to expend not less than 20 percent of such amount by the end of such succeeding fiscal year.

(July 1, 1944, ch. 373, title XIX, §1920, as added Pub. L. 102-321, title II, §201(2), July 10, 1992, 106 Stat. 388; amended Pub. L. 106-310, div. B, title XXXII, §3204(f), Oct. 17, 2000, 114 Stat. 1193; Pub. L. 114-255, div. B, title VIII, §8001(c), (f), Dec. 13, 2016, 130 Stat. 1228, 1229.)

PRIOR PROVISIONS

Prior sections 300x-9 to 300x-13 were repealed by Pub. L. 102-321, title II, §201(2), July 10, 1992, 106 Stat. 378.

Section 300x-9, act July 1, 1944, ch. 373, title XIX, §1921, formerly §1920, as added Aug. 13, 1981, Pub. L. 97-35, title IX, §901, 95 Stat. 552; renumbered §1920A and

amended Oct. 19, 1984, Pub. L. 98-509, title I, §§105(a), 106(g), 98 Stat. 2358, 2359; Oct. 7, 1985, Pub. L. 99-117, §7(c), 99 Stat. 493; renumbered §1921 and amended Nov. 18, 1988, Pub. L. 100-690, title II, §2038(2), (6), 102 Stat. 4203, authorized technical assistance with respect to development of services under alcohol, drug abuse, and mental health services block grants.

A prior section 1920 of act July 1, 1944, was classified to section 300x-8 of this title and repealed by Pub. L. 102-321.

Section 300x-9a, act July 1, 1944, ch. 373, title XIX, §1922, as added Nov. 18, 1988, Pub. L. 100-690, title II, §2039(a), 102 Stat. 4204; amended Aug. 16, 1989, Pub. L. 101-93, §2(n)(1), 103 Stat. 608, related to service research on community-based alcohol and drug abuse treatment programs.

Section 300x-9b, act July 1, 1944, ch. 373, title XIX, §1923, as added Nov. 18, 1988, Pub. L. 100-690, title II, §2040, 102 Stat. 4204; amended Aug. 16, 1989, Pub. L. 101-93, §2(q)(2), 103 Stat. 609, related to service research on community-based mental health treatment programs.

Section 300x-10, act July 1, 1944, ch. 373, title XIX, §1924, formerly §1920B, as added Nov. 14, 1986, Pub. L. 99-660, title V, §502(2), 100 Stat. 3795; renumbered §1924 and amended Nov. 18, 1988, Pub. L. 100-690, title II, §2038(3), (4), 102 Stat. 4203; Nov. 28, 1990, Pub. L. 101-639, §3(a)(1), 104 Stat. 4601, related to development grants for State comprehensive mental health services plans.

Section 300x-11, act July 1, 1944, ch. 373, title XIX, §1925, formerly §1920C, as added Nov. 14, 1986, Pub. L. 99-660, title V, §502(2), 100 Stat. 3795; renumbered §1925 and amended Nov. 18, 1988, Pub. L. 100-690, title II, §2038(3), 2041(a), 102 Stat. 4203, 4205; Aug. 16, 1989, Pub. L. 101-93, §2(o)(1), 103 Stat. 608; Nov. 28, 1990, Pub. L. 101-639, §3(b), 104 Stat. 4601, related to State comprehensive mental health services plans.

Section 300x-12, act July 1, 1944, ch. 373, title XIX, §1926, formerly §1920D, as added Nov. 14, 1986, Pub. L. 99-660, title V, §502(2), 100 Stat. 3796; renumbered §1926 and amended Nov. 18, 1988, Pub. L. 100-690, title II, §2038(3), (5), 102 Stat. 4203; Aug. 16, 1989, Pub. L. 101-93, §2(o)(2), 103 Stat. 609; Nov. 28, 1990, Pub. L. 101-639, §3(c), 104 Stat. 4602, related to enforcement of requirement of developing State comprehensive mental health services plans.

Section 300x-13, act July 1, 1944, ch. 373, title XIX, §1927, formerly §1920E, as added Nov. 14, 1986, Pub. L. 99-660, title V, §502(2), 100 Stat. 3797; renumbered §1927, Nov. 18, 1988, Pub. L. 100-690, title II, §2038(3), 102 Stat. 4203, related to development of model standards for provision of care to chronically mentally ill persons.

AMENDMENTS

2016—Subsec. (a). Pub. L. 114-255, §8001(f)(1), substituted “section 290aa-4(c) of this title” for “section 290aa-4 of this title” and “\$532,571,000 for each of fiscal years 2018 through 2022.” for “\$450,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.”

Subsec. (b)(2). Pub. L. 114-255, §8001(f)(2), substituted “sections 290aa-4(c) and” for “sections 290aa-4 and”.

Subsec. (c). Pub. L. 114-255, §8001(c), added subsec. (c). 2000—Subsec. (a). Pub. L. 106-310, §3204(f)(1), substituted “\$450,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003” for “\$450,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994”.

Subsec. (b)(2). Pub. L. 106-310, §3204(f)(2), substituted “sections 290aa-4 and 300y of this title” for “section 290aa-4 of this title”.

SUBPART II—BLOCK GRANTS FOR PREVENTION AND TREATMENT OF SUBSTANCE ABUSE

§ 300x-21. Formula grants to States

(a) In general

For the purpose described in subsection (b), the Secretary, acting through the Center for

Substance Abuse Treatment, shall make an allotment each fiscal year for each State in an amount determined in accordance with section 300x-33 of this title. The Secretary shall make a grant to the State of the allotment made for the State for the fiscal year if the State submits to the Secretary an application in accordance with section 300x-32 of this title.

(b) Authorized activities

A funding agreement for a grant under subsection (a) is that, subject to section 300x-31 of this title, the State involved will expend the grant only for the purpose of carrying out the plan developed in accordance with section 300x-32(b) of this title and for planning, carrying out, and evaluating activities to prevent and treat substance use disorders and for related activities authorized in section 300x-24 of this title.

(July 1, 1944, ch. 373, title XIX, §1921, as added Pub. L. 102-321, title II, §202, July 10, 1992, 106 Stat. 388; amended Pub. L. 114-255, div. B, title VIII, §8002(a), Dec. 13, 2016, 130 Stat. 1229.)

PRIOR PROVISIONS

A prior section 1921 of act July 1, 1944, was classified to section 300x-9 of this title prior to repeal by Pub. L. 102-321.

Another prior section 1921 of act July 1, 1944, was classified to section 300y of this title prior to repeal by Pub. L. 100-690.

AMENDMENTS

2016—Subsec. (b). Pub. L. 114-255 inserted “carrying out the plan developed in accordance with section 300x-32(b) of this title and for” after “for the purpose of” and substituted “use disorders” for “abuse”.

§ 300x-22. Certain allocations

(a) Allocation regarding primary prevention programs

A funding agreement for a grant under section 300x-21 of this title is that, in expending the grant, the State involved—

(1) will expend not less than 20 percent for programs for individuals who do not require treatment for substance abuse, which programs—

(A) educate and counsel the individuals on such abuse; and

(B) provide for activities to reduce the risk of such abuse by the individuals;

(2) will, in carrying out paragraph (1)—

(A) give priority to programs for populations that are at risk of developing a pattern of such abuse; and

(B) ensure that programs receiving priority under subparagraph (A) develop community-based strategies for the prevention of such abuse, including strategies to discourage the use of alcoholic beverages and tobacco products by individuals to whom it is unlawful to sell or distribute such beverages or products.

(b) Allocations regarding women

(1) In general

Subject to paragraph (2), a funding agreement for a grant under section 300x-21 of this title for a fiscal year is that—

(A) in the case of a grant for fiscal year 1993, the State involved will expend not less than 5 percent of the grant to increase (relative to fiscal year 1992) the availability of treatment services designed for pregnant women and women with dependent children (either by establishing new programs or expanding the capacity of existing programs);

(B) in the case of a grant for fiscal year 1994, the State will expend not less than 5 percent of the grant to so increase (relative to fiscal year 1993) the availability of such services for such women; and

(C) in the case of a grant for any subsequent fiscal year, the State will expend for such services for such women not less than an amount equal to the amount expended by the State for fiscal year 1994.

(2) Waiver

(A) Upon the request of a State, the Secretary may provide to the State a waiver of all or part of the requirement established in paragraph (1) if the Secretary determines that the State is providing an adequate level of treatment services for women described in such paragraph, as indicated by a comparison of the number of such women seeking the services with the availability in the State of the services.

(B) The Secretary shall approve or deny a request for a waiver under subparagraph (A) not later than 120 days after the date on which the request is made.

(C) Any waiver provided by the Secretary under subparagraph (A) shall be applicable only to the fiscal year involved.

(3) Childcare and prenatal care

A funding agreement for a grant under section 300x-21 of this title for a State is that each entity providing treatment services with amounts reserved under paragraph (1) by the State will, directly or through arrangements with other public or nonprofit private entities, make available prenatal care to women receiving such services and, while the women are receiving the services, childcare.

(July 1, 1944, ch. 373, title XIX, §1922, as added Pub. L. 102-321, title II, §202, July 10, 1992, 106 Stat. 389; amended Pub. L. 106-310, div. B, title XXXIII, §3303(a), (f)(2)(A), Oct. 17, 2000, 114 Stat. 1210, 1211.)

AMENDMENT OF SUBSECTION (b)(2), (3)

Pub. L. 106-310, div. B, title XXXIII, §3303(f)(2), Oct. 17, 2000, 114 Stat. 1211, provided that, effective upon publication of regulations developed in accordance with section 300x-32(e)(1) of this title, subsection (c) of this section [now subsection (b)] is amended by striking out paragraph (2) and redesignating paragraph (3) as paragraph (2).

PRIOR PROVISIONS

A prior section 1922 of act July 1, 1944, was classified to section 300x-9a of this title prior to repeal by Pub. L. 102-321.

Another prior section 1922 of act July 1, 1944, was classified to section 300y-1 of this title prior to repeal by Pub. L. 100-690.

AMENDMENTS

2000—Subsec. (a). Pub. L. 106-310, §3303(a), redesignated subsec. (b) as (a) and struck out heading and text of former subsec. (a). Text read as follows: “A funding agreement for a grant under section 300x-21 of this title is that, in expending the grant, the State involved will expend—

“(1) not less than 35 percent for prevention and treatment activities regarding alcohol; and

“(2) not less than 35 percent for prevention and treatment activities regarding other drugs.”

Subsec. (b). Pub. L. 106-310, §3303(a)(2), redesignated subsec. (c) as (b). Former subsec. (b) redesignated (a).

Subsec. (c). Pub. L. 106-310, §3303(a)(2), redesignated subsec. (c) as (b).

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-310, div. B, title XXXIII, §3303(f)(2), Oct. 17, 2000, 114 Stat. 1211, provided that the amendment made by section 3303(f)(2) is effective upon the publication of the regulations developed in accordance with section 300x-32(e)(1) of this title.

§ 300x-23. Intravenous substance abuse**(a) Capacity of treatment programs****(1) Notification of reaching capacity**

A funding agreement for a grant under section 300x-21 of this title is that the State involved will, in the case of programs of treatment for intravenous drug abuse, require that any such program receiving amounts from the grant, upon reaching 90 percent of its capacity to admit individuals to the program, provide to the State a notification of such fact.

(2) Provision of treatment

A funding agreement for a grant under section 300x-21 of this title is that the State involved will, with respect to notifications under paragraph (1), ensure that each individual who requests and is in need of treatment for intravenous drug abuse is admitted to a program of such treatment not later than—

(A) 14 days after making the request for admission to such a program; or

(B) 120 days after the date of such request, if no such program has the capacity to admit the individual on the date of such request and if interim services are made available to the individual not later than 48 hours after such request.

(b) Outreach to persons who inject drugs

A funding agreement for a grant under section 300x-21 of this title is that the State involved, in providing amounts from the grant to any entity for treatment services for persons who inject drugs, will require the entity to carry out activities to encourage individuals in need of such treatment to undergo treatment.

(July 1, 1944, ch. 373, title XIX, §1923, as added Pub. L. 102-321, title II, §202, July 10, 1992, 106 Stat. 390; amended Pub. L. 114-255, div. B, title VIII, §8002(b), Dec. 13, 2016, 130 Stat. 1229.)

PRIOR PROVISIONS

A prior section 1923 of act July 1, 1944, was classified to section 300x-9b of this title prior to repeal by Pub. L. 102-321.

Another prior section 1923 of act July 1, 1944, was classified to section 300y-2 of this title prior to repeal by Pub. L. 100-690.

AMENDMENTS

2016—Subsec. (b). Pub. L. 114-255 substituted “to persons who inject drugs” for “regarding intravenous substance abuse” in heading and “for persons who inject drugs” for “for intravenous drug abuse” in text.

stance abuse” in heading and “for persons who inject drugs” for “for intravenous drug abuse” in text.

§ 300x-24. Requirements regarding tuberculosis and human immunodeficiency virus**(a) Tuberculosis****(1) In general**

A funding agreement for a grant under section 300x-21 of this title is that the State involved will require that any entity receiving amounts from the grant for operating a program of treatment for substance use disorders—

(A) will, directly or through arrangements with other public or nonprofit private entities, routinely make available tuberculosis services to each individual receiving treatment for such disorders; and

(B) in the case of an individual in need of such treatment who is denied admission to the program on the basis of the lack of the capacity of the program to admit the individual, will refer the individual to another provider of tuberculosis services.

(2) Tuberculosis services

For purposes of paragraph (1), the term “tuberculosis services”, with respect to an individual, means—

(A) counseling the individual with respect to tuberculosis;

(B) testing to determine whether the individual has contracted such disease and testing to determine the form of treatment for the disease that is appropriate for the individual; and

(C) providing such treatment to the individual.

(b) Human immunodeficiency virus**(1) Requirement for certain States**

In the case of a State described in paragraph (2), a funding agreement for a grant under section 300x-21 of this title is that—

(A) with respect to individuals undergoing treatment for substance use disorders, the State will, subject to paragraph (3), carry out 1 or more projects to make available to the individuals early intervention services for HIV disease at the sites at which the individuals are undergoing such treatment;

(B) for the purpose of providing such early intervention services through such projects, the State will make available from the grant the percentage that is applicable for the State under paragraph (4); and

(C) the State will, subject to paragraph (5), carry out such projects only in geographic areas of the State that have the greatest need for the projects.

(2) Designated States

For purposes of this subsection, a State described in this paragraph is any State whose rate of cases of acquired immune deficiency syndrome is 10 or more such cases per 100,000 individuals (as indicated by the number of such cases reported to and confirmed by the Director of the Centers for Disease Control and Prevention for the most recent calendar year for which such data are available).

(3) Use of existing programs regarding substance use disorders

With respect to programs that provide treatment services for substance use disorders, a funding agreement for a grant under section 300x-21 of this title for a designated State is that each such program participating in a project under paragraph (1) will be a program that began operation prior to the fiscal year for which the State is applying to receive the grant. A program that so began operation may participate in a project under paragraph (1) without regard to whether the program has been providing early intervention services for HIV disease.

(4) Applicable percentage regarding expenditures for services

(A)(i) For purposes of paragraph (1)(B), the percentage that is applicable under this paragraph for a designated State is, subject to subparagraph (B), the percentage by which the amount of the grant under section 300x-21 of this title for the State for the fiscal year involved is an increase over the amount specified in clause (ii).

(ii) The amount specified in this clause is the amount that was reserved by the designated State involved from the allotment of the State under section 300x-1a¹ of this title for fiscal year 1991 in compliance with section 300x-4(c)(6)(A)(ii)¹ of this title (as such sections were in effect for such fiscal year).

(B) If the percentage determined under subparagraph (A) for a designated State for a fiscal year is less than 2 percent (including a negative percentage, in the case of a State for which there is no increase for purposes of such subparagraph), the percentage applicable under this paragraph for the State is 2 percent. If the percentage so determined is 2 percent or more, the percentage applicable under this paragraph for the State is the percentage determined under subparagraph (A), subject to not exceeding 5 percent.

(5) Requirement regarding rural areas

(A) A funding agreement for a grant under section 300x-21 of this title for a designated State is that, if the State will carry out 2 or more projects under paragraph (1), the State will carry out 1 such project in a rural area of the State, subject to subparagraph (B).

(B) The Secretary shall waive the requirement established in subparagraph (A) if the State involved certifies to the Secretary that—

- (i) there is insufficient demand in the State to carry out a project under paragraph (1) in any rural area of the State; or
- (ii) there are no rural areas in the State.

(6) Manner of providing services

With respect to the provision of early intervention services for HIV disease to an individual, a funding agreement for a grant under section 300x-21 of this title for a designated State is that—

- (A) such services will be undertaken voluntarily by, and with the informed consent of, the individual; and

(B) undergoing such services will not be required as a condition of receiving treatment services for substance use disorders or any other services.

(7) Definitions

For purposes of this subsection:

(A) The term “designated State” means a State described in paragraph (2).

(B) The term “early intervention services”, with respect to HIV disease, means—

- (i) appropriate pretest counseling;
- (ii) testing individuals with respect to such disease, including tests to confirm the presence of the disease, tests to diagnose the extent of the deficiency in the immune system, and tests to provide information on appropriate therapeutic measures for preventing and treating the deterioration of the immune system and for preventing and treating conditions arising from the disease;
- (iii) appropriate post-test counseling; and
- (iv) providing the therapeutic measures described in clause (ii).

(C) The term “HIV disease” means infection with the etiologic agent for acquired immune deficiency syndrome.

(c) Expenditure of grant for compliance with agreements

(1) In general

A grant under section 300x-21 of this title may be expended for purposes of compliance with the agreements required in this section, subject to paragraph (2).

(2) Limitation

A funding agreement for a grant under section 300x-21 of this title for a State is that the grant will not be expended to make payment for any service provided for purposes of compliance with this section to the extent that payment has been made, or can reasonably be expected to be made, with respect to such service—

(A) under any State compensation program, under any insurance policy, or under any Federal or State health benefits program (including the program established in title XVIII of the Social Security Act [42 U.S.C. 1395 et seq.] and the program established in title XIX of such Act [42 U.S.C. 1396 et seq.]); or

(B) by an entity that provides health services on a prepaid basis.

(d) Applicability of certain provision

Section 300x-31 of this title applies to this section (and to each other provision of this subpart).

(July 1, 1944, ch. 373, title XIX, §1924, as added Pub. L. 102-321, title II, §202, July 10, 1992, 106 Stat. 391; amended Pub. L. 114-255, div. B, title VIII, §8002(c), Dec. 13, 2016, 130 Stat. 1229.)

REFERENCES IN TEXT

Section 300x-1a of this title, referred to in subsec. (b)(4)(A)(ii), was repealed by Pub. L. 102-321, title II, §201(2), July 10, 1992, 106 Stat. 378.

¹ See References in Text note below.

Section 300x-4 of this title, referred to in subsec. (b)(4)(A)(ii), was in the original a reference to section 1916 of act July 1, 1944, which was repealed by Pub. L. 102-321, title II, § 201(2), July 10, 1992, 106 Stat. 378. Section 201(2) of Pub. L. 102-321 enacted new sections 1915 and 1916 of act July 1, 1944, which are classified to sections 300x-4 and 300x-5, respectively, of this title.

The Social Security Act, referred to in subsec. (c)(2)(A), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Titles XVIII and XIX of the Act are classified generally to subchapters XVIII (§1395 et seq.) and XIX (§1396 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 1305 of this title and Tables.

PRIOR PROVISIONS

A prior section 1924 of act July 1, 1944, was classified to section 300x-10 of this title prior to repeal by Pub. L. 102-321.

Another prior section 1924 of act July 1, 1944, was classified to section 300y-3 of this title prior to repeal by Pub. L. 99-280.

CHANGE OF NAME

Centers for Disease Control changed to Centers for Disease Control and Prevention by Pub. L. 102-531, title III, § 312, Oct. 27, 1992, 106 Stat. 3504.

AMENDMENTS

2016—Subsec. (a)(1). Pub. L. 114-255, § 8002(c)(1)(A), substituted “substance use disorders” for “substance abuse” in introductory provisions.

Subsec. (a)(1)(A). Pub. L. 114-255, § 8002(c)(1)(B), substituted “such disorders” for “such abuse”.

Subsec. (b)(1)(A). Pub. L. 114-255, § 8002(c)(2)(A), substituted “substance use disorders” for “substance abuse”.

Subsec. (b)(2). Pub. L. 114-255, § 8002(c)(2)(B), inserted “and Prevention” after “Disease Control”.

Subsec. (b)(3). Pub. L. 114-255, § 8002(c)(2)(C), substituted “use disorders” for “abuse” in heading and “substance use disorders” for “substance abuse” in text.

Subsec. (b)(6)(B). Pub. L. 114-255, § 8002(c)(2)(D), substituted “substance use disorders” for “substance abuse”.

Subsecs. (d), (e). Pub. L. 114-255, § 8002(c)(3), (4), redesignated subsec. (e) as (d) and struck out former subsec. (d). Prior to amendment, text of subsec. (d) read as follows: “With respect to services provided for by a State for purposes of compliance with this section, a funding agreement for a grant under section 300x-21 of this title is that the State will maintain expenditures of non-Federal amounts for such services at a level that is not less than average level of such expenditures maintained by the State for 2-year period preceding the first fiscal year for which the State receives such a grant.”

§ 300x-25. Group homes for persons in recovery from substance use disorders

(a) State revolving funds for establishment of homes

A State, using funds available under section 300x-21 of this title, may establish and maintain the ongoing operation of a revolving fund in accordance with this section to support group homes for persons in recovery from substance use disorders as follows:

(1) The purpose of the fund is to make loans for the costs of establishing programs for the provision of housing in which individuals recovering from alcohol or drug abuse may reside in groups of not less than 6 individuals. The fund is established directly by the State or through the provision of a grant or contract to a nonprofit private entity.

(2) The programs are carried out in accordance with guidelines issued under subsection (b).

(3) Not less than \$100,000 is available for the fund.

(4) Loans made from the revolving fund do not exceed \$4,000 and each such loan is repaid to the revolving fund by the residents of the housing involved not later than 2 years after the date on which the loan is made.

(5) Each such loan is repaid by such residents through monthly installments, and a reasonable penalty is assessed for each failure to pay such periodic installments by the date specified in the loan agreement involved.

(6) Such loans are made only to nonprofit private entities agreeing that, in the operation of the program established pursuant to the loan—

(A) the use of alcohol or any illegal drug in the housing provided by the program will be prohibited;

(B) any resident of the housing who violates such prohibition will be expelled from the housing;

(C) the costs of the housing, including fees for rent and utilities, will be paid by the residents of the housing; and

(D) the residents of the housing will, through a majority vote of the residents, otherwise establish policies governing residence in the housing, including the manner in which applications for residence in the housing are approved.

(b) Issuance by Secretary of guidelines

The Secretary shall ensure that there are in effect guidelines under this subpart for the operation of programs described in subsection (a).

(c) Applicability to territories

The requirements established in subsection (a) shall not apply to any territory of the United States other than the Commonwealth of Puerto Rico.

(July 1, 1944, ch. 373, title XIX, § 1925, as added Pub. L. 102-321, title II, § 202, July 10, 1992, 106 Stat. 393; amended Pub. L. 106-310, div. B, title XXXIII, § 3303(b), Oct. 17, 2000, 114 Stat. 1210; Pub. L. 114-255, div. B, title VIII, § 8002(d), Dec. 13, 2016, 130 Stat. 1230.)

PRIOR PROVISIONS

A prior section 1925 of act July 1, 1944, was classified to section 300x-11 of this title prior to repeal by Pub. L. 102-321.

Another prior section 1925 of act July 1, 1944, was classified to section 300y-4 of this title prior to repeal by Pub. L. 99-280.

AMENDMENTS

2016—Pub. L. 114-255, § 8002(d)(1), substituted “persons in recovery from substance use disorders” for “recovering substance abusers” in section catchline.

Subsec. (a). Pub. L. 114-255, § 8002(d)(2), substituted “persons in recovery from substance use disorders” for “recovering substance abusers” in introductory provisions.

2000—Subsec. (a). Pub. L. 106-310, in introductory provisions, substituted “A State, using funds available under section 300x-21 of this title, may establish and maintain the ongoing operation of a revolving fund in accordance with this section to support group homes

for recovering substance abusers as follows:” for “For fiscal year 1993 and subsequent fiscal years, the Secretary may make a grant under section 300x-21 of this title only if the State involved has established, and is providing for the ongoing operation of, a revolving fund as follows:”.

§ 300x-26. State law regarding sale of tobacco products to individuals under age of 18

(a) Relevant law

(1) In general

Subject to paragraph (2), for fiscal year 1994 and subsequent fiscal years, the Secretary may make a grant under section 300x-21 of this title only if the State involved has in effect a law providing that it is unlawful for any manufacturer, retailer, or distributor of tobacco products to sell or distribute any such product to any individual under the age of 18.

(2) Delayed applicability for certain States

In the case of a State whose legislature does not convene a regular session in fiscal year 1993, and in the case of a State whose legislature does not convene a regular session in fiscal year 1994, the requirement described in paragraph (1) as a condition of a receipt of a grant under section 300x-21 of this title shall apply only for fiscal year 1995 and subsequent fiscal years.

(b) Enforcement

(1) In general

For the first applicable fiscal year and for subsequent fiscal years, a funding agreement for a grant under section 300x-21 of this title is that the State involved will enforce the law described in subsection (a) in a manner that can reasonably be expected to reduce the extent to which tobacco products are available to individuals under the age of 18.

(2) Activities and reports regarding enforcement

For the first applicable fiscal year and for subsequent fiscal years, a funding agreement for a grant under section 300x-21 of this title is that the State involved will—

(A) annually conduct random, unannounced inspections to ensure compliance with the law described in subsection (a); and

(B) annually submit to the Secretary a report describing—

(i) the activities carried out by the State to enforce such law during the fiscal year preceding the fiscal year for which the State is seeking the grant;

(ii) the extent of success the State has achieved in reducing the availability of tobacco products to individuals under the age of 18; and

(iii) the strategies to be utilized by the State for enforcing such law during the fiscal year for which the grant is sought.

(c) Noncompliance of State

Before making a grant under section 300x-21 of this title to a State for the first applicable fiscal year or any subsequent fiscal year, the Secretary shall make a determination of whether the State has maintained compliance with subsections (a) and (b). If, after notice to the State

and an opportunity for a hearing, the Secretary determines that the State is not in compliance with such subsections, the Secretary shall reduce the amount of the allotment under such section for the State for the fiscal year involved by an amount equal to—

(1) in the case of the first applicable fiscal year, 10 percent of the amount determined under section 300x-33 of this title for the State for the fiscal year;

(2) in the case of the first fiscal year following such applicable fiscal year, 20 percent of the amount determined under section 300x-33 of this title for the State for the fiscal year;

(3) in the case of the second such fiscal year, 30 percent of the amount determined under section 300x-33 of this title for the State for the fiscal year; and

(4) in the case of the third such fiscal year or any subsequent fiscal year, 40 percent of the amount determined under section 300x-33 of this title for the State for the fiscal year.

(d) “First applicable fiscal year” defined

For purposes of this section, the term “first applicable fiscal year” means—

(1) fiscal year 1995, in the case of any State described in subsection (a)(2); and

(2) fiscal year 1994, in the case of any other State.

(July 1, 1944, ch. 373, title XIX, §1926, as added Pub. L. 102-321, title II, §202, July 10, 1992, 106 Stat. 394.)

PRIOR PROVISIONS

A prior section 1926 of act July 1, 1944, was classified to section 300x-12 of this title prior to repeal by Pub. L. 102-321.

Another prior section 1926 of act July 1, 1944, was classified to section 300y-5 of this title prior to repeal by Pub. L. 99-280.

§ 300x-26a. Withholding of substance abuse funding under section 300x-26

(a) No withholding from States committing additional funds for tobacco sale compliance

Except as provided by subsection (e) none of the funds appropriated for fiscal year 2010 or any subsequent fiscal year by this or any subsequent appropriations Act may be used to withhold substance abuse funding from a State pursuant to section 300x-26 of this title if such State certifies to the Secretary of Health and Human Services by May 1 of the fiscal year for which the funds are appropriated, that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) Amount to be committed

The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State’s substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary under section 300x-26 of this title.

(c) Maintenance of expenditures for tobacco prevention programs and compliance activities

The State is to maintain State expenditures in such fiscal year for tobacco prevention programs

and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for the preceding fiscal year, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all State obligations of funds for such fiscal year and all State expenditures for the preceding fiscal year for tobacco prevention and compliance activities by program activity by July 31 of such fiscal year.

(d) Timing of State obligation of additional funds

The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31 of such fiscal year.

(e) Withholding from territories

None of the funds appropriated by this or any subsequent appropriations Act may be used to withhold substance abuse funding pursuant to section 300x-26 of this title from a territory that receives less than \$1,000,000.

(Pub. L. 111-117, div. D, title II, §212, Dec. 16, 2009, 123 Stat. 3257.)

CODIFICATION

Section was enacted as part of the Department of Health and Human Services Appropriations Act, 2010, and also as part of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010, and the Consolidated Appropriations Act, 2010, and not as part of the Public Health Service Act which comprises this chapter.

§ 300x-27. Treatment services for pregnant women

(a) In general

A funding agreement for a grant under section 300x-21 of this title is that the State involved—

- (1) will ensure that each pregnant woman in the State who seeks or is referred for and would benefit from such services is given preference in admissions to treatment facilities receiving funds pursuant to the grant; and
- (2) will, in carrying out paragraph (1), publicize the availability to such women of services from the facilities and the fact that the women receive such preference.

(b) Referrals regarding States

A funding agreement for a grant under section 300x-21 of this title is that, in carrying out subsection (a)(1)—

- (1) the State involved will require that, in the event that a treatment facility has insufficient capacity to provide treatment services to any woman described in such subsection who seeks the services from the facility, the facility refer the woman to the State; and
- (2) the State, in the case of each woman for whom a referral under paragraph (1) is made to the State—

(A) will refer the woman to a treatment facility that has the capacity to provide treatment services to the woman; or

(B) will, if no treatment facility has the capacity to admit the woman, make interim services available to the woman not later

than 48 hours after the woman¹ seeks the treatment services.

(July 1, 1944, ch. 373, title XIX, §1927, as added Pub. L. 102-321, title II, §202, July 10, 1992, 106 Stat. 395; amended Pub. L. 102-352, §2(a)(10), Aug. 26, 1992, 106 Stat. 938.)

PRIOR PROVISIONS

A prior section 1927 of act July 1, 1944, was classified to section 300x-12 of this title prior to repeal by Pub. L. 102-321.

Another prior section 1927 of act July 1, 1944, was classified to section 300y-6 of this title prior to repeal by Pub. L. 99-280.

AMENDMENTS

1992—Subsec. (b)(2)(B). Pub. L. 102-352 struck out “available” before “interim services available”.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-352 effective immediately upon effectuation of amendment made by Pub. L. 102-321, see section 3(1) of Pub. L. 102-352, set out as a note under section 285n of this title.

§ 300x-28. Additional agreements

(a) Improvement of process for appropriate referrals for treatment

With respect to individuals seeking treatment services, a funding agreement for a grant under section 300x-21 of this title is that the State involved will improve the process in the State for referring the individuals to treatment facilities that can provide to the individuals the treatment modality that is most appropriate for the individuals.

(b) Professional development

A funding agreement for a grant under section 300x-21 of this title is that the State involved will ensure that prevention, treatment, and recovery personnel operating in the State's substance use disorder prevention, treatment, and recovery systems have an opportunity to receive training, on an ongoing basis, concerning—

- (1) recent trends in substance use disorders in the State;
- (2) improved methods and evidence-based practices for providing substance use disorder prevention and treatment services;
- (3) performance-based accountability;
- (4) data collection and reporting requirements; and
- (5) any other matters that would serve to further improve the delivery of substance use disorder prevention and treatment services within the State.

(c) Coordination of various activities and services

A funding agreement for a grant under section 300x-21 of this title is that the State involved will coordinate prevention and treatment activities with the provision of other appropriate services (including health, social, correctional and criminal justice, educational, vocational rehabilitation, and employment services).

(d) Waiver of requirement

(1) In general

Upon the request of a State, the Secretary may provide to a State a waiver of any or all

¹ So in original. Probably should be “woman”.

of the requirements established in this section if the Secretary determines that, with respect to services for the prevention and treatment of substance use disorders, the requirement involved is unnecessary for maintaining quality in the provision of such services in the State.

(2) Date certain for acting upon request

The Secretary shall approve or deny a request for a waiver under paragraph (1) not later than 120 days after the date on which the request is made.

(3) Applicability of waiver

Any waiver provided by the Secretary under paragraph (1) shall be applicable only to the fiscal year involved.

(July 1, 1944, ch. 373, title XIX, §1928, as added Pub. L. 102-321, title II, §202, July 10, 1992, 106 Stat. 396; amended Pub. L. 106-310, div. B, title XXXIII, §3303(f)(2)(B), Oct. 17, 2000, 114 Stat. 1211; Pub. L. 114-255, div. B, title VIII, §8002(e), Dec. 13, 2016, 130 Stat. 1230.)

REPEAL OF SUBSECTION (d)

Pub. L. 106-310, div. B, title XXXIII, §3303(f)(2), Oct. 17, 2000, 114 Stat. 1211, provided that, effective upon publication of regulations developed in accordance with section 300x-32(e)(1) of this title, subsection (d) of this section is repealed.

PRIOR PROVISIONS

A prior section 1928 of act July 1, 1944, was classified to section 300y-7 of this title prior to repeal by Pub. L. 99-280.

AMENDMENTS

2016—Subsec. (a). Pub. L. 114-255, §8002(e)(1), struck out “(relative to fiscal year 1992)” after “State involved will improve”.

Subsec. (b). Pub. L. 114-255, §8002(e)(2), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “With respect to any facility for treatment services or prevention activities that is receiving amounts from a grant under section 300x-21 of this title, a funding agreement for a State for a grant under such section is that continuing education in such services or activities (or both, as the case may be) will be made available to employees of the facility who provide the services or activities.”

Subsec. (d)(1). Pub. L. 114-255, §8002(e)(3), substituted “substance use disorders” for “substance abuse”.

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-310, div. B, title XXXIII, §3303(f)(2), Oct. 17, 2000, 114 Stat. 1211, provided that the amendment made by section 3303(f)(2) is effective upon the publication of the regulations developed in accordance with section 300x-32(e)(1) of this title.

§ 300x-29. Repealed. Pub. L. 114-255, div. B, title VIII, §8002(f), Dec. 13, 2016, 130 Stat. 1230

Section, act July 1, 1944, ch. 373, title XIX, §1929, as added Pub. L. 102-321, title II, §202, July 10, 1992, 106 Stat. 396, related to submission to Secretary of state-wide assessment of needs.

A prior section 1929 of act July 1, 1944, was classified to section 300y-8 of this title prior to repeal by Pub. L. 99-280.

§ 300x-30. Maintenance of effort regarding State expenditures

(a) In general

With respect to the principal agency of a State for carrying out authorized activities, a funding

agreement for a grant under section 300x-21 of this title for the State for a fiscal year is that such agency will for such year maintain aggregate State expenditures for authorized activities at a level that is not less than the average level of such expenditures maintained by the State for the 2-year period preceding the fiscal year for which the State is applying for the grant.

(b) Exclusion of certain funds

The Secretary may exclude from the aggregate State expenditures under subsection (a), funds appropriated to the principle agency for authorized activities which are of a non-recurring nature and for a specific purpose.

(c) Waiver

(1) In general

Upon the request of a State, the Secretary may waive all or part of the requirement established in subsection (a) if the Secretary determines that extraordinary economic conditions exist in the State, or any part of the State, to justify the waiver.

(2) Date certain for acting upon request

The Secretary shall approve or deny a request for a waiver under paragraph (1) not later than 120 days after the date on which the request is made.

(3) Applicability of waiver

Any waiver provided by the Secretary under paragraph (1) shall be applicable only to the fiscal year involved.

(d) Noncompliance by State

(1) In general

In making a grant under section 300x-21 of this title to a State for a fiscal year, the Secretary shall make a determination of whether, for the previous fiscal year, the State maintained material compliance with any agreement made under subsection (a). If the Secretary determines that a State has failed to maintain such compliance, the Secretary shall reduce the amount of the allotment under section 300x-21 of this title for the State for the fiscal year for which the grant is being made by an amount equal to the amount constituting such failure for the previous fiscal year.

(2) Submission of information to Secretary

The Secretary may make a grant under section 300x-21 of this title for a fiscal year only if the State involved submits to the Secretary information sufficient for the Secretary to make the determination required in paragraph (1).

(3) Alternative

A State that has failed to comply with this section and would otherwise be subject to a reduction in the State's allotment under section 300x-21 of this title, may, upon request by the State, in lieu of having the State's allotment under section 300x-21 of this title reduced, agree to comply with a negotiated agreement that is approved by the Secretary and carried out in accordance with guidelines issued by the Secretary. If a State fails to enter into or comply with a negotiated agreement, the Secretary may take action under this paragraph or the terms of the negotiated agreement.

(July 1, 1944, ch. 373, title XIX, §1930, as added Pub. L. 102-321, title II, §202, July 10, 1992, 106 Stat. 397; amended Pub. L. 106-310, div. B, title XXXIII, §3303(c), Oct. 17, 2000, 114 Stat. 1210; Pub. L. 114-255, div. B, title VIII, §8002(g), Dec. 13, 2016, 130 Stat. 1230.)

PRIOR PROVISIONS

A prior section 1930 of act July 1, 1944, was classified to section 300y-9 of this title prior to repeal by Pub. L. 99-280.

AMENDMENTS

2016—Subsec. (c)(1). Pub. L. 114-255, §8002(g)(1), substituted “exist in the State, or any part of the State, to justify the waiver” for “in the State justify the waiver”.

Subsec. (d)(3). Pub. L. 114-255, §8002(g)(2), added par. (3).

2000—Subsecs. (b) to (d). Pub. L. 106-310 added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

§ 300x-31. Restrictions on expenditure of grant

(a) In general

(1) Certain restrictions

A funding agreement for a grant under section 300x-21 of this title is that the State involved will not expend the grant—

(A) to provide inpatient hospital services, except as provided in subsection (b);

(B) to make cash payments to intended recipients of health services;

(C) to purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment;

(D) to satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds;

(E) to provide financial assistance to any entity other than a public or nonprofit private entity; or

(F) to carry out any program prohibited by section 300ee-5 of this title.

(2) Limitation on administrative expenses

A funding agreement for a grant under section 300x-21 of this title is that the State involved will not expend more than 5 percent of the grant to pay the costs of administering the grant.

(3) Limitation regarding penal and correctional institutions

A funding agreement for a State for a grant under section 300x-21 of this title is that, in expending the grant for the purpose of providing treatment services in penal or correctional institutions of the State, the State will not expend more than an amount equal to the amount expended for such purpose by the State from the grant made under section 300x-1a¹ of this title to the State for fiscal year 1991 (as section 300x-1a¹ of this title was in effect for such fiscal year).

(b) Exception regarding inpatient hospital services

(1) Medical necessity as precondition

With respect to compliance with the agreement made under subsection (a), a State may

expend a grant under section 300x-21 of this title to provide inpatient hospital services as treatment for substance use disorders only if it has been determined, in accordance with guidelines issued by the Secretary, that such treatment is a medical necessity for the individual involved, and that the individual cannot be effectively treated in a community-based, nonhospital, residential program of treatment.

(2) Rate of payment

In the case of an individual for whom a grant under section 300x-21 of this title is expended to provide inpatient hospital services described in paragraph (1), a funding agreement for the grant for the State involved is that the daily rate of payment provided to the hospital for providing the services to the individual will not exceed the comparable daily rate provided for community-based, nonhospital, residential programs of treatment for substance abuse.

(c) Waiver regarding construction of facilities

(1) In general

The Secretary may provide to any State a waiver of the restriction established in subsection (a)(1)(C) for the purpose of authorizing the State to expend a grant under section 300x-21 of this title for the construction of a new facility or rehabilitation of an existing facility, but not for land acquisition.

(2) Standard regarding need for waiver

The Secretary may approve a waiver under paragraph (1) only if the State demonstrates to the Secretary that adequate treatment cannot be provided through the use of existing facilities and that alternative facilities in existing suitable buildings are not available.

(3) Amount

In granting a waiver under paragraph (1), the Secretary shall allow the use of a specified amount of funds to construct or rehabilitate a specified number of beds for residential treatment and a specified number of slots for outpatient treatment, based on reasonable estimates by the State of the costs of construction or rehabilitation. In considering waiver applications, the Secretary shall ensure that the State has carefully designed a program that will minimize the costs of additional beds.

(4) Matching funds

The Secretary may grant a waiver under paragraph (1) only if the State agrees, with respect to the costs to be incurred by the State in carrying out the purpose of the waiver, to make available non-Federal contributions in cash toward such costs in an amount equal to not less than \$1 for each \$1 of Federal funds provided under section 300x-21 of this title.

(5) Date certain for acting upon request

The Secretary shall act upon a request for a waiver under paragraph (1) not later than 120 days after the date on which the request is made.

(July 1, 1944, ch. 373, title XIX, §1931, as added Pub. L. 102-321, title II, §202, July 10, 1992, 106

¹ See References in Text note below.

Stat. 397; amended Pub. L. 114-255, div. B, title VIII, § 8002(h), Dec. 13, 2016, 130 Stat. 1230.)

REFERENCES IN TEXT

Section 300x-1a of this title, referred to in subsec. (a)(3), was repealed by Pub. L. 102-321, title II, § 201(2), July 10, 1992, 106 Stat. 378.

PRIOR PROVISIONS

A prior section 1931 of act July 1, 1944, was classified to section 300y-21 of this title and subsequently omitted from the Code.

Another prior section 1931 of act July 1, 1944, was classified to section 300y-10 of this title prior to repeal by Pub. L. 99-280.

AMENDMENTS

2016—Subsec. (b)(1). Pub. L. 114-255 substituted “substance use disorders” for “substance abuse”.

§ 300x-32. Application for grant; approval of State plan

(a) In general

For purposes of section 300x-21 of this title, an application for a grant under such section for a fiscal year is in accordance with this section if, subject to subsection (c)—

(1) the application is received by the Secretary not later than October 1 of the fiscal year for which the State is seeking funds;

(2) the application contains each funding agreement that is described in this subpart or subpart III for such a grant (other than any such agreement that is not applicable to the State);

(3) the agreements are made through certification from the chief executive officer of the State;

(4) with respect to such agreements, the application provides assurances of compliance satisfactory to the Secretary;

(5) the application contains the report required in section 300x-52(a) of this title;

(6)(A) the application contains a plan in accordance with subsection (b) and the plan is approved by the Secretary; and

(B) the State provides assurances satisfactory to the Secretary that the State complied with the provisions of the plan under subparagraph (A) that was approved by the Secretary for the most recent fiscal year for which the State received a grant under section 300x-21 of this title; and

(7) the application (including the plan under paragraph (6)) is otherwise in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this subpart.

(b) State plan

(1) In general

In order for a State to be in compliance with subsection (a)(6), the State shall submit to the Secretary a plan that, at a minimum, includes the following:

(A) A description of the State’s system of care that—

(i) identifies the single State agency responsible for the administration of the program, including any third party who administers substance use disorder serv-

ices and is responsible for complying with the requirements of the grant;

(ii) provides information on the need for substance use disorder prevention and treatment services in the State, including estimates on the number of individuals who need treatment, who are pregnant women, women with dependent children, individuals with a co-occurring mental health and substance use disorder, persons who inject drugs, and persons who are experiencing homelessness;

(iii) provides aggregate information on the number of individuals in treatment within the State, including the number of such individuals who are pregnant women, women with dependent children, individuals with a co-occurring mental health and substance use disorder, persons who inject drugs, and persons who are experiencing homelessness;

(iv) provides a description of the system that is available to provide services by modality, including the provision of recovery support services;

(v) provides a description of the State’s comprehensive statewide prevention efforts, including the number of individuals being served in the system, target populations, and priority needs, and provides a description of the amount of funds from the prevention set-aside expended on primary prevention;

(vi) provides a description of the financial resources available;

(vii) describes the existing substance use disorders workforce and workforce trained in treating co-occurring substance use and mental disorders;

(viii) includes a description of how the State promotes evidence-based practices; and

(ix) describes how the State integrates substance use disorder services and primary health care, which in the case of those individuals with co-occurring mental health and substance use disorders may include providing both mental health and substance use disorder services in primary care settings or providing primary and specialty care services in community-based mental health and substance use disorder service settings.

(B) The establishment of goals and objectives for the period of the plan, including targets and milestones that are intended to be met, and the activities that will be undertaken to achieve those targets.

(C) A description of how the State will comply with each funding agreement for a grant under section 300x-21 of this title that is applicable to the State, including a description of the manner in which the State intends to expend grant funds.

(2) Modifications

(A) Authority of Secretary

As a condition;¹ of making a grant under section 300x-21 of this title to a State for a

¹ So in original. The semicolon probably should not appear.

fiscal year, the Secretary may require that the State modify any provision of the plan submitted by the State under subsection (a)(6) (including provisions on priorities in carrying out authorized activities). If the Secretary approves the plan and makes the grant to the State for the fiscal year, the Secretary may not during such year require the State to modify the plan.

(B) State request for modification

If the State determines that a modification to such plan is necessary, the State may request the Secretary to approve the modification. Any such modification shall be in accordance with paragraph (1) and section 300x-51 of this title.

(3) Authority of Center for Substance Abuse Prevention

With respect to plans submitted by the States under subsection (a)(6), including any modification under paragraph (2), the Secretary, acting through the Director of the Center for Substance Abuse Prevention, shall review and approve or disapprove the provisions of the plans that relate to prevention activities.

(c) Waivers regarding certain territories

In the case of any territory of the United States except Puerto Rico, the Secretary may waive such provisions of this subpart and subpart III as the Secretary determines to be appropriate, other than the provisions of section 300x-31 of this title.

(d) Issuance of regulations; precondition to making grants

(1) Regulations

Not later than August 25, 1992, the Secretary, acting as appropriate through the Director of the Center for Treatment Improvement or the Director of the Center for Substance Abuse Prevention, shall by regulation establish standards specifying the circumstances in which the Secretary will consider an application for a grant under section 300x-21 of this title to be in accordance with this section.

(2) Issuance as precondition to making grants

The Secretary may not make payments under any grant under section 300x-21 of this title for fiscal year 1993 on or after January 1, 1993, unless the Secretary has issued standards under paragraph (1).

(e) Waiver authority for certain requirements

(1) In general

Upon the request of a State, the Secretary may waive the requirements of all or part of the sections described in paragraph (2) using objective criteria established by the Secretary by regulation after consultation with the States and other interested parties including consumers and providers.

(2) Sections

The sections described in paragraph (1) are sections 300x-22(b), 300x-23, 300x-24 and 300x-28 of this title.

(3) Date certain for acting upon request

The Secretary shall approve or deny a request for a waiver under paragraph (1) and in-

form the State of that decision not later than 120 days after the date on which the request and all the information needed to support the request are submitted.

(4) Annual reporting requirement

The Secretary shall annually report to the general public on the States that receive a waiver under this subsection.

(July 1, 1944, ch. 373, title XIX, §1932, as added Pub. L. 102-321, title II, §202, July 10, 1992, 106 Stat. 399; amended Pub. L. 106-310, div. B, title XXXIII, §3303(d)-(f)(1), Oct. 17, 2000, 114 Stat. 1211; Pub. L. 114-255, div. B, title VIII, §8002(i), Dec. 13, 2016, 130 Stat. 1231.)

PRIOR PROVISIONS

A prior section 1932 of act July 1, 1944, was classified to section 300y-22 of this title and subsequently omitted from the Code.

Another prior section 1932 of act July 1, 1944, was classified to section 300y-11 of this title prior to repeal by Pub. L. 99-280.

AMENDMENTS

2016—Subsec. (a). Pub. L. 114-255, §8002(i)(1)(A), substituted “subsection (c)” for “subsections (c) and (d)(2)” in introductory provisions.

Subsec. (a)(5). Pub. L. 114-255, §8002(i)(1)(B), struck out “the information required in section 300x-29 of this title, the information required in section 300x-30(c)(2) of this title, and” after “the application contains”.

Subsec. (b)(1). Pub. L. 114-255, §8002(i)(2)(A), added par. (1) and struck out former par. (1). Prior to amendment, text read as follows: “A plan submitted by a State under subsection (a)(6) is in accordance with this subsection if the plan contains detailed provisions for complying with each funding agreement for a grant under section 300x-21 of this title that is applicable to the State, including a description of the manner in which the State intends to expend the grant.”

Subsec. (b)(2). Pub. L. 114-255, §8002(i)(2)(B), substituted “Modifications” for “Authority of Secretary regarding modifications” in heading, designated existing provisions as subpar. (A), substituted “As a condition;” for “As a condition” and inserted heading in subpar. (A), and added subpar. (B).

Subsec. (b)(3). Pub. L. 114-255, §8002(i)(2)(C), inserted “, including any modification under paragraph (2)” after “subsection (a)(6)”.

Subsec. (e)(2). Pub. L. 114-255, §8002(i)(3), which directed substitution of “section 300x-22(b)” for “section 300x-22(c)”, was executed by substituting “sections 300x-22(b)” for “sections 300x-22(c)” to reflect the probable intent of Congress.

2000—Subsec. (a)(1). Pub. L. 106-310, §3303(d), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “the State involved submits the application not later than the date specified by the Secretary;”.

Subsec. (c). Pub. L. 106-310, §3303(e), substituted “except Puerto Rico” for “whose allotment under section 300x-21 of this title for the fiscal year is the amount specified in section 300x-33(c)(2)(B) of this title”.

Subsec. (e). Pub. L. 106-310, §3303(f)(1), added subsec. (e).

§ 300x-33. Determination of amount of allotment

(a) States

(1) In general

Subject to subsection (b), the Secretary shall determine the amount of the allotment required in section 300x-21 of this title for a State for a fiscal year as follows:

(A) The formula established in paragraph (1) of section 300x-7(a) of this title shall

apply to this subsection to the same extent and in the same manner as the formula applies for purposes of section 300x-7(a) of this title, except that, in the application of such formula for purposes of this subsection, the modifications described in subparagraph (B) shall apply.

(B) For purposes of subparagraph (A), the modifications described in this subparagraph are as follows:

(i) The amount specified in paragraph (2)(A) of section 300x-7(a) of this title is deemed to be the amount appropriated under section 300x-35(a) of this title for allotments under section 300x-21 of this title for the fiscal year involved.

(ii) The term “P” is deemed to have the meaning given in paragraph (2) of this subsection. Section 300x-7(a)(5)(B) of this title applies to the data used in determining such term for the States.

(iii) The factor determined under paragraph (8) of section 300x-7(a) of this title is deemed to have the purpose of reflecting the differences that exist between the State involved and other States in the costs of providing authorized services.

(2) Determination of term “P”

For purposes of this subsection, the term “P” means the percentage that is the arithmetic mean of the percentage determined under subparagraph (A) and the percentage determined under subparagraph (B), as follows:

(A) The percentage constituted by the ratio of—

(i) an amount equal to the sum of the total number of individuals who reside in the State involved and are between 18 and 24 years of age (inclusive) and the number of individuals in the State who reside in urbanized areas of the State and are between such years of age; to

(ii) an amount equal to the total of the respective sums determined for the States under clause (i).

(B) The percentage constituted by the ratio of—

(i) the total number of individuals in the State who are between 25 and 64 years of age (inclusive); to

(ii) an amount equal to the sum of the respective amounts determined for the States under clause (i).

(b) Minimum allotments for States

(1) In general

With respect to fiscal year 2000, and each subsequent fiscal year, the amount of the allotment of a State under section 300x-21 of this title shall not be less than the amount the State received under such section for the previous fiscal year increased by an amount equal to 30.65 percent of the percentage by which the aggregate amount allotted to all States for such fiscal year exceeds the aggregate amount allotted to all States for the previous fiscal year.

(2) Limitations

(A) In general

Except as provided in subparagraph (B), a State shall not receive an allotment under

section 300x-21 of this title for a fiscal year in an amount that is less than an amount equal to 0.375 percent of the amount appropriated under section 300x-35(a) of this title for such fiscal year.

(B) Exception

In applying subparagraph (A), the Secretary shall ensure that no State receives an increase in its allotment under section 300x-21 of this title for a fiscal year (as compared to the amount allotted to the State in the prior fiscal year) that is in excess of an amount equal to 300 percent of the percentage by which the amount appropriated under section 300x-35(a) of this title for such fiscal year exceeds the amount appropriated for the prior fiscal year.

(3) Decrease in or equal appropriations

If the amount appropriated under section 300x-35(a) of this title for a fiscal year is equal to or less than the amount appropriated under such section for the prior fiscal year, the amount of the State allotment under section 300x-21 of this title shall be equal to the amount that the State received under section 300x-21 of this title in the prior fiscal year decreased by the percentage by which the amount appropriated for such fiscal year is less than the amount appropriated or¹ such section for the prior fiscal year.

(c) Territories

(1) Determination under formula

Subject to paragraphs (2) and (4), the amount of an allotment under section 300x-21 of this title for a territory of the United States for a fiscal year shall be the product of—

(A) an amount equal to the amounts reserved under paragraph (3) for the fiscal year; and

(B) a percentage equal to the quotient of—

(i) the civilian population of the territory, as indicated by the most recently available data; divided by

(ii) the aggregate civilian population of the territories of the United States, as indicated by such data.

(2) Minimum allotment for territories

The amount of an allotment under section 300x-21 of this title for a territory of the United States for a fiscal year shall be the greater of—

(A) the amount determined under paragraph (1) for the territory for the fiscal year;

(B) \$50,000; and

(C) with respect to fiscal years 1993 and 1994, an amount equal to 79.4 percent of the amount received by the territory from allotments made pursuant to this part for fiscal year 1992.

(3) Reservation of amounts

The Secretary shall each fiscal year reserve for the territories of the United States 1.5 percent of the amounts appropriated under section 300x-35(a) of this title for allotments

¹ So in original. Probably should be “for”.

under section 300x-21 of this title for the fiscal year.

(4) Availability of data on population

With respect to data on the civilian population of the territories of the United States, if the Secretary determines for a fiscal year that recent such data for purposes of paragraph (1)(B) do not exist regarding a territory, the Secretary shall for such purposes estimate the civilian population of the territory by modifying the data on the territory to reflect the average extent of change occurring during the ensuing period in the population of all territories with respect to which recent such data do exist.

(5) Applicability of certain provisions

For purposes of subsections (a) and (b), the term “State” does not include the territories of the United States.

(d) Indian tribes and tribal organizations

(1) In general

If the Secretary—

(A) receives a request from the governing body of an Indian tribe or tribal organization within any State that funds under this subpart be provided directly by the Secretary to such tribe or organization; and

(B) makes a determination that the members of such tribe or tribal organization would be better served by means of grants made directly by the Secretary under this;²

the Secretary shall reserve from the allotment under section 300x-21 of this title for the State for the fiscal year involved an amount that bears the same ratio to the allotment as the amount provided under this subpart to the tribe or tribal organization for fiscal year 1991 for activities relating to the prevention and treatment of the abuse of alcohol and other drugs bore to the amount of the portion of the allotment under this subpart for the State for such fiscal year that was expended for such activities.

(2) Tribe or tribal organization as grantee

The amount reserved by the Secretary on the basis of a determination under this paragraph³ shall be granted to the Indian tribe or tribal organization serving the individuals for whom such a determination has been made.

(3) Application

In order for an Indian tribe or tribal organization to be eligible for a grant for a fiscal year under this paragraph,³ it shall submit to the Secretary a plan for such fiscal year that meets such criteria as the Secretary may prescribe.

(4) Definitions

The terms “Indian tribe” and “tribal organization” have the same meaning given such terms in subsections (b) and (c)⁴ of section 5304 of title 25.

(July 1, 1944, ch. 373, title XIX, §1933, as added Pub. L. 102-321, title II, §202, July 10, 1992, 106

Stat. 400; amended Pub. L. 102-352, §2(a)(11), Aug. 26, 1992, 106 Stat. 938; Pub. L. 105-277, div. A, §101(f) [title II, §218(b)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-362; Pub. L. 106-113, div. B, §1000(a)(4) [title II, §212(b)], Nov. 29, 1999, 113 Stat. 1535, 1501A-239; Pub. L. 106-310, div. B, title XXXIII, §3304, Oct. 17, 2000, 114 Stat. 1212.)

REFERENCES IN TEXT

Section 5304 of title 25, referred to in subsec. (d)(4), was amended, and subsecs. (b) and (c) of section 5304 no longer define the terms “Indian tribe” and “tribal organization”. However, such terms are defined elsewhere in that section.

PRIOR PROVISIONS

A prior section 1933 of act July 1, 1944, was classified to section 300y-23 of this title and subsequently omitted from the Code.

AMENDMENTS

2000—Subsec. (b). Pub. L. 106-310 reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “Each State’s allotment for fiscal year 2000 for programs under this subpart shall be equal to such State’s allotment for such programs for fiscal year 1999, except that, if the amount appropriated in fiscal year 2000 is less than the amount appropriated in fiscal year 1999, then the amount of a State’s allotment under section 300x-21 of this title shall be equal to the amount that the State received under section 300x-21 of this title in fiscal year 1999 decreased by the percentage by which the amount appropriated for fiscal year 2000 is less than the amount appropriated for such section for fiscal year 1999.”

1999—Subsec. (b). Pub. L. 106-113 amended heading and text of subsec. (b) generally. Prior to amendment, text read as follows: “For each of the fiscal years 1993 and 1994, the amount of the allotment required in section 300x-21 of this title for a State for the fiscal year involved shall be the greater of—

“(1) the amount determined under subsection (a) of this section for the State for the fiscal year; and

“(2) an amount equal to 79.4 percent of the amount received by the State from allotments made pursuant to this part for fiscal year 1992 (including reallocations under section 205(a) of the ADAMHA Reorganization Act).”

1998—Subsec. (b). Pub. L. 105-277, temporarily amended subsec. (b) to read as follows: “(b) MINIMUM ALLOTMENTS FOR STATES.—

“(1) IN GENERAL.—With respect to fiscal year 1999, the amount of the allotment of a State under section 300x-21 of this title shall not be less than the amount the State received under section 300x-21 of this title for fiscal year 1998 increased by 30.65 percent of the percentage by which the amount allotted to the States for fiscal year 1999 exceeds the amount allotted to the States for fiscal year 1998.

“(2) LIMITATION

“(A) IN GENERAL.—Except as provided in subparagraph (B), a State shall not receive an allotment under section 300x-21 of this title for fiscal year 1999 in an amount that is less than an amount equal to 0.375 percent of the amount appropriated under section 300x-35(a) of this title for such fiscal year.

“(B) EXCEPTION.—In applying subparagraph (A), the Secretary shall ensure that no State receives an increase in its allotment under section 300x-21 of this title for fiscal year 1999 (as compared to the amount allotted to the State in the fiscal year 1998) that is in excess of an amount equal to 300 percent of the percentage by which the amount appropriated under section 300x-35(a) of this title for fiscal year 1999 exceeds the amount appropriated for the prior fiscal year.

“(3) Only for the purposes of calculating minimum allotments under this subsection, any reference to

² So in original. Probably should be “this subpart;”.

³ So in original. Probably should be “subsection”.

⁴ See References in Text note below.

the amount appropriated under section 300x-35(a) of this title for fiscal year 1998, allotments to States under section 300x-21 of this title and any references to amounts received by States in fiscal year 1998 shall include amounts appropriated or received under the amendments made by section 105 of the Contract with America Advancement Act of 1996 (Public Law 104-121).”

See Effective and Termination Dates of 1998 Amendment note below.

1992—Subsec. (c)(2)(C). Pub. L. 102-352 added subpar. (C).

EFFECTIVE AND TERMINATION DATES OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective as if enacted on Oct. 1, 1998, and applicable only during fiscal year 1999, and upon expiration of fiscal year 1999, subsec. (b) of this section, as in effect on Sept. 30, 1998, to be applied as if such amendment had not been enacted, see section 101(f) [title II, §218(c)] of Pub. L. 105-277, set out as a note under section 300x-7 of this title.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-352 effective immediately upon effectuation of amendment made by Pub. L. 102-321, see section 3(1) of Pub. L. 102-352, set out as a note under section 285n of this title.

§ 300x-34. Definitions

For purposes of this subpart:

(1) The term “authorized activities”, subject to section 300x-31 of this title, means the activities described in section 300x-21(b) of this title.

(2) The term “funding agreement”, with respect to a grant under section 300x-21 of this title to a State, means that the Secretary may make such a grant only if the State makes the agreement involved.

(3) The term “prevention activities”, subject to section 300x-31 of this title, means activities to prevent substance use disorders.

(4) The term “substance abuse” means the abuse of alcohol or other drugs.

(5) The term “treatment activities” means treatment services and, subject to section 300x-31 of this title, authorized activities that are related to treatment services.

(6) The term “treatment facility” means an entity that provides treatment services.

(7) The term “treatment services”, subject to section 300x-31 of this title, means treatment for substance use disorders.

(July 1, 1944, ch. 373, title XIX, §1934, as added Pub. L. 102-321, title II, §202, July 10, 1992, 106 Stat. 402; amended Pub. L. 114-255, div. B, title VIII, §8002(j), Dec. 13, 2016, 130 Stat. 1232.)

PRIOR PROVISIONS

A prior section 1934 of act July 1, 1944, was classified to section 300y-24 of this title and subsequently omitted from the Code.

AMENDMENTS

2016—Pars. (3), (7). Pub. L. 114-255 substituted “substance use disorders” for “substance abuse”.

§ 300x-35. Funding

(a) Authorization of appropriations

For the purpose of carrying out this subpart, subpart III and section 290aa-4(d) of this title with respect to substance abuse, and section

290bb-21(d) of this title, there are authorized to be appropriated \$1,858,079,000 for each of fiscal years 2018 through 2022..¹

(b) Allocations for technical assistance, national data base, data collection, and program evaluations

(1) In general

(A) For the purpose of carrying out section 300x-58(a) of this title with respect to substance abuse, section 290bb-21(d) of this title, and the purposes specified in subparagraphs (B) and (C), the Secretary shall obligate 5 percent of the amounts appropriated under sub-section (a) each fiscal year.

(B) The purpose specified in this subparagraph is the collection of data in this paragraph² is carrying out sections 290aa-4(d) and 300y of this title with respect to substance abuse.

(C) The purpose specified in this subparagraph is the conduct of evaluations of authorized activities to determine methods for improving the availability and quality of such activities.

(2) Activities of Center for Substance Abuse Prevention

Of the amounts reserved under paragraph (1) for a fiscal year, the Secretary, acting through the Director of the Center for Substance Abuse Prevention, shall obligate 20 percent for carrying out paragraph (1)(C), section 300x-58(a) of this title with respect to prevention activities, and section 290bb-21(d) of this title.

(3) Core data set

A State that receives a new grant, contract, or cooperative agreement from amounts available to the Secretary under paragraph (1), for the purposes of improving the data collection, analysis and reporting capabilities of the State, shall be required, as a condition of receipt of funds, to collect, analyze, and report to the Secretary for each fiscal year subsequent to receiving such funds a core data set to be determined by the Secretary in conjunction with the States.

(July 1, 1944, ch. 373, title XIX, §1935, as added Pub. L. 102-321, title II, §202, July 10, 1992, 106 Stat. 403; amended Pub. L. 106-310, div. B, title XXXIII, §3303(g), Oct. 17, 2000, 114 Stat. 1211; Pub. L. 114-255, div. B, title VIII, §8002(k), Dec. 13, 2016, 130 Stat. 1232.)

PRIOR PROVISIONS

A prior section 1935 of act July 1, 1944, was classified to section 300y-25 of this title and subsequently omitted from the Code.

AMENDMENTS

2016—Subsec. (a). Pub. L. 114-255, §8002(k)(1), substituted “section 290aa-4(d) of this title” for “section 290aa-4 of this title” and “\$1,858,079,000 for each of fiscal years 2018 through 2022.” for “\$2,000,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003”.

Subsec. (b)(1)(B). Pub. L. 114-255, §8002(k)(2), substituted “sections 290aa-4(d) and” for “sections 290aa-4 and”.

¹So in original.

²So in original. The words “is the collection of data in this paragraph” probably should not appear.

2000—Subsec. (a). Pub. L. 106-310, §3303(g)(1), substituted “\$2,000,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003” for “\$1,500,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994”.

Subsec. (b)(1)(B). Pub. L. 106-310, §3303(g)(2), substituted “sections 290aa-4 and 300y of this title” for “section 290aa-4 of this title”.

Subsec. (b)(2). Pub. L. 106-310, §3303(g)(3), made technical amendment to reference in original act which appears in text as reference to section 300x-58(a) of this title.

Subsec. (b)(3). Pub. L. 106-310, §3303(g)(4), added par. (3).

SUBPART III—GENERAL PROVISIONS

§ 300x-51. Opportunity for public comment on State plans

A funding agreement for a grant under section 300x or 300x-21 of this title is that the State involved will make the plan required in section 300x-1 of this title, and the plan required in section 300x-32 of this title, respectively, public within the State in such manner as to facilitate comment from any person (including any Federal or other public agency) during the development of the plan (including any revisions) and after the submission of the plan to the Secretary.

(July 1, 1944, ch. 373, title XIX, §1941, as added Pub. L. 102-321, title II, §203(a), July 10, 1992, 106 Stat. 403.)

§ 300x-52. Requirement of reports and audits by States

(a) Report

A funding agreement for a grant under section 300x or 300x-21 of this title is that the State involved will submit to the Secretary a report in such form and containing such information as the Secretary determines (after consultation with the States) to be necessary for securing a record and a description of—

(1) the purposes for which the grant received by the State for the preceding fiscal year under the program involved were expended and a description of the activities of the State under the program; and

(2) the recipients of amounts provided in the grant.

(b) Audits

A funding agreement for a grant under section 300x or 300x-21 of this title is that the State will, with respect to the grant, comply with chapter 75 of title 31.

(c) Availability to public

A funding agreement for a grant under section 300x or 300x-21 of this title is that the State involved will—

(1) make copies of the reports and audits described in this section available for public inspection within the State; and

(2) provide copies of the report under subsection (a), upon request, to any interested person (including any public agency).

(July 1, 1944, ch. 373, title XIX, §1942, as added Pub. L. 102-321, title II, §203(a), July 10, 1992, 106 Stat. 403; amended Pub. L. 104-316, title I, §122(e), Oct. 19, 1996, 110 Stat. 3837.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-316 struck out “and the Comptroller General” after “with the States” in introductory provisions.

§ 300x-53. Additional requirements

(a) In general

A funding agreement for a grant under section 300x or 300x-21 of this title is that the State involved will—

(1)(A) for the fiscal year for which the grant involved is provided, provide for independent peer review to assess the quality, appropriateness, and efficacy of treatment services provided in the State to individuals under the program involved; and

(B) ensure that, in the conduct of such peer review, not fewer than 5 percent of the entities providing services in the State under such program are reviewed (which 5 percent is representative of the total population of such entities);

(2) permit and cooperate with Federal investigations undertaken in accordance with section 300x-55 of this title; and

(3) provide to the Secretary any data required by the Secretary pursuant to subsections (c) and (d) of section 290aa-4 of this title and will cooperate with the Secretary in the development of uniform criteria for the collection of data pursuant to such section.

(b) Patient records

The Secretary may make a grant under section 300x or 300x-21 of this title only if the State involved has in effect a system to protect from inappropriate disclosure patient records maintained by the State in connection with an activity funded under the program involved or by any entity which is receiving amounts from the grant.

(July 1, 1944, ch. 373, title XIX, §1943, as added Pub. L. 102-321, title II, §203(a), July 10, 1992, 106 Stat. 404; amended Pub. L. 102-352, §2(a)(12), Aug. 26, 1992, 106 Stat. 939; Pub. L. 114-255, div. B, title VIII, §8003(1), Dec. 13, 2016, 130 Stat. 1232.)

AMENDMENTS

2016—Subsec. (a)(3). Pub. L. 114-255 substituted “subsections (c) and (d) of section 290aa-4 of this title” for “section 290aa-4 of this title”.

1992—Subsec. (a)(3). Pub. L. 102-352 substituted “section 290aa-4 of this title” for “section 290bb-21 of this title”.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-352 effective immediately upon effectuation of amendment made by Pub. L. 102-321, see section 3(1) of Pub. L. 102-352, set out as a note under section 285n of this title.

§ 300x-54. Disposition of certain funds appropriated for allotments

(a) In general

Amounts described in subsection (b) and available for a fiscal year pursuant to section 300x or 300x-21 of this title, as the case may be, shall be allotted by the Secretary and paid to the States receiving a grant under the program involved, other than any State referred to in subsection (b) with respect to such program. Such amounts